

**LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**  
**for September 13, 2006 PLANNING COMMISSION MEETING**

**P.A.S.:** Change of Zone No. 06054

**PROPOSAL:** To amend the Sections 27.11.080, 27.13.080, 27.15.080, 27.17.080, 27.19.080, 27.21.080, 27.23.080 and 27.24.080 relating to the R-1, R-2, R-3, R-4, R-5, R-6, R-7, and R-8 zoning districts, respectively, to provide provisions regarding the use of vacant and occupied lots which have less area or width or both less area and width than required by said district regulations; amending Section 27.61.090 to limit the number of dwelling units in a nonstandard multiple dwelling which is enlarged, extended or reconstructed and repealing Sections 27.11.080, 27.13.080, 27.15.080, 27.17.080, 27.19.080, 27.21.080, 27.23.080, 27.24.080 and 27.61.090 of the Lincoln Municipal Code as hitherto existing, and amendment to the statement of intent in Chapters 27.21, 27.23 and 27.24 to delete boarding and lodging houses which are no longer permitted uses in those districts.

**CONCLUSION:** In conformance with the Comprehensive Plan.

**RECOMMENDATION:**

Approval

**GENERAL INFORMATION:**

**ANALYSIS:**

1. The main purpose of this draft text amendment is to address some of the concerns in the past about downzoning and nonstandard uses. A downzoning may mean that some existing homes are now on lots that have a nonstandard lot area, lot width or setbacks. In some cases, an insurance company may require additional insurance on a home loan due to a house being classified as “nonstandard.”
2. However, today the zoning ordinance already contains many provisions to allow nonstandard lots to have single family or two family homes rebuilt on them, even if they are nonstandard. The main part of this proposal would revise the standards to allow existing homes to be rebuilt or vacant lots to be built with a single family home or a two family home – and eliminate their categorization as “nonstandard.”

**Remove Nonstandard Label from Existing Single Family and Two Family Residences**

3. This amendment addresses some concerns of Planning Commission about downzoning creating nonstandard lots. This part will amend Height and Area

Regulations in R-1 through R-8 Residential zoning districts to state that when an existing lot is occupied by a single or two family dwelling and has less lot area or width or both it shall not be considered nonstandard.

4. The revision would also permit in the R-2 district an existing two family dwelling with less than the required 10 foot side yard setback to be enlarged, extended or rebuilt as long as a minimum 5 foot side yard setback (or existing setback, whichever is greater) is provided. Also it would state that an existing two family dwelling with at least a 5 foot side yard setback will not be considered as nonstandard. A similar provision is proposed for R-1 as long as a 10 foot side yard setback is maintained.

#### **Amend Nonstandard Provisions for Multi-Family**

5. This part was also requested by the Planning Commission as part of their "Downzoning Report." It amends R-1, R-2, R-3 and R-4 Residential zoning districts to clarify that multiple-family residential uses made nonstandard through a downzoning, if destroyed, retain the licensed number of units they had at the time the use was destroyed.
6. It also revises the ordinance to specify that "grandfathering" of multiple-family units that become nonstandard based on the date of the zoning change (downzoning) should apply to all multiple-family dwellings licensed at the time of the change, not just those built prior to May, 1978.

#### **When are Lots Considered Combined**

7. The revised text was requested by City Attorney to clarify previous interpretations regarding adjacent vacant lots under the same ownership for R-1 through R-8. This would amend Height and Area Regulations in R-1, R-2, R-3, R-4 to clarify that when a vacant lot has less lot area or lot width or both, then it may be used for a single family as long as the property owner of that lot didn't also own an adjacent vacant lot. When two vacant lots, with less lot area or width or both, are adjacent and owned by the same owner they are considered as one premise.
8. In addition in the R-4 this provision would extend to lot width to permit a two family residence on a lot, as long it is not owned in common with an adjacent vacant lot. In R-5, R-6, R-7 and R-8 similar provision will be clarified to permit a lot with less lot area or width or both to be used for single family, two family or any nondwelling use permitted in the district, as long it is not owned in common with an adjacent vacant lot.

#### **Statement of Intent Update**

9. As long as the R-6, R-7 and R-8 were being revised, an amendment was included to the statement of intent to delete boarding and lodging houses which are no longer permitted uses in those districts. Change of Zone #3186 approved on July 26, 1999

eliminated “boarding and lodging houses” as a permitted use in the R-6, R-7 and R-8 districts. However, the amendment did not to revise the statement of intent, which has caused confusion on some occasions.

Prepared by:

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Planning Department, (402) 441-6374

**Date:** September 5, 2006

**APPLICANT:** Marvin Krout, Director of Planning  
Lincoln/ Lancaster County Planning Department  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

**PROPOSED TEXT:**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE amending Title 27 of the Lincoln Municipal Code relating to Zoning by amending Sections 27.11.080, 27.13.080, 27.15.080, 27.17.080, 27.19.080, 27.21.080, 27.23.080 and 27.24.080 relating to the R-1, R-2, R-3, R-4, R-5, R-6, R-7, and R-8 zoning districts, respectively, to provide provisions regarding the use of vacant and occupied lots which have less area or width or both less area and width than required by said district regulations; amending Section 27.61.090 to limit the number of dwelling units in a nonstandard multiple dwelling which is enlarged, extended or reconstructed and repealing Sections 27.11.080, 27.13.080, 27.15.080, 27.17.080, 27.19.080, 27.21.080, 27.23.080, 27.24.080 and 27.61.090 of the Lincoln Municipal Code as hitherto existing.

BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

Section 1. That Section 27.11.080 of the Lincoln Municipal Code be amended to read as follows:

**27.11.080 Height and Area Regulations.**

The maximum height and minimum lot requirements within the R-1 Residential District shall be as follows:

(a) General requirements:

Table 27.11.080(a)						
	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
Dwelling, single- family	9,000**	60'**	30'*	10'***	Smaller  of 30'	35'
Dwelling, two-family	7,200 per family**	48' per family**	30'*	20', 0' if party wall***	or  20%	35'
Other permitted uses	9,000	60'	30'*	10'***	of depth	35'
* See subparagraphs (b) and (c)						
** See subparagraphs (e) and (h)						
*** See subparagraph (h)						

(b) There shall be a required front yard on each street side of a double-frontage lot.

1 (c) There shall be a required front yard on each street side of a corner lot; provided, however,  
2 that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than thirty-  
3 five feet except where necessary to provide a required side yard of not less than five feet in place of one  
4 of the required front yards.

5 ~~(d) — Wherever a lot of record on November 2, 1953, had a width of 100 feet or less, the~~  
6 ~~required side yard for a single-family dwelling may be reduced to a width of not less than ten percent of~~  
7 ~~the width of the lot, but in no instance shall it be less than five feet.~~

8 (e d) Accessory buildings which are attached to or not located more than six feet from the main  
9 structure shall be considered a part of the main structure and shall comply with the height, front, side, and  
10 rear yard requirements of the main building.

11 (i) Accessory buildings not a part of the main structure may be located in the required  
12 rear yard, but such accessory buildings may not occupy more than forty percent of the required rear yard  
13 and shall not be closer than two feet to any side or rear lot line nor more than fifteen feet in height.  
14 Accessory buildings not a part of the main structure, if located not less than sixty feet from the front lot line,  
15 may extend into the required side yard though not closer than two feet to the side lot line. A garage which  
16 is entered from an alley shall not be located closer than ten feet to the alley line.

17 (ii) Accessory buildings or structures not a part of the main structure may be located  
18 in the required front yard on double-frontage lots where at least one frontage is along a major street,  
19 provided:

20 (1) Accessory buildings or structures shall not occupy any portions of any  
21 required front yard along the local street.

22 (2) Accessory buildings or structures shall not be closer than two feet to the  
23 side lot line, closer than two feet to the front lot line along the major street, or closer than two feet to an  
24 area specified as a building line district.

25 (3) Accessory buildings or structures, if located not less than sixty feet from  
26 the front lot line, may extend into the required side yard though not closer than two feet to the side lot line.

27 (4) Accessory buildings or structures shall not occupy any portion of the  
28 required front yard along any major street except when a landscape screen is located along all front lot lines  
29 of such lot adjacent to any major street in conformance with the "Design Standards for Screening and  
30 Landscaping" adopted by the City of Lincoln.

31 (5) Direct vehicular access shall not be available from any major street along  
32 any major street frontage in the block.

33 (6) Accessory buildings and structures shall not occupy more than 100 square  
34 feet and 600 square feet, respectively, of the required front yard along the major street.

35 (7) Accessory buildings or structures shall not exceed fifteen feet in height and  
36 any accessory building or structure or portion thereof within twenty feet of the front lot line along the major  
37 street shall not exceed eight feet in height.

38 (f e) If a vacant lot or tract has less area or width or both less area and width than herein re-  
39 quired and its boundary lines along their entire length abutted lands under other ownership on November  
40 2, 1953, and have not since been changed, such parcel of land may be used for a single-family dwelling,  
41 as long as a side yard of at least five feet is provided.

1           If such vacant lot or tract comes under common ownership with an abutting lot or tract,  
2 such vacant lot or tract may continue to be used for a single-family dwelling provided said abutting lot or  
3 tract was occupied by a dwelling unit on the date such vacant lot or tract and the abutting lot or tract came  
4 under common ownership.

5           If such vacant lot or tract comes under common ownership with an abutting vacant lot or  
6 tract which has less area or width or both less area and width than herein required, such lots and tracts shall  
7 be merged together and constitute a single premise.

8           If an existing lot or tract lawfully occupied by a single-family or two-family dwelling on the  
9 effective date of this title or on the effective date of a change in district boundaries from another zoning  
10 district to this district has less area or width or both less area and width than herein required, such lot or  
11 tract shall not be considered nonstandard due to this condition.

12           (g f) In those locations in the R-1 Residential District where, on November 2, 1953, and  
13 continuing thereafter, forty percent or more of the frontage on the same side of a street between two street  
14 intersections is lawfully occupied by two or more buildings consisting of two-family dwellings or two-family  
15 and multiple family dwellings, two-family dwellings may be erected in conformance with the height, minimum  
16 lot requirements, and parking regulations of the R-4 Residential District.

17           (h g) Multiple dwellings lawfully existing in this district on the effective date of this title or on the  
18 effective date of a change of district boundaries from another zoning district to this district shall be  
19 considered nonstandard uses in conformance with the provisions of Chapter 27.61. Notwithstanding any  
20 provision to the contrary, any enlargement, extension or reconstruction of such multiple dwellings shall be  
21 limited to no more than the number of dwelling units licensed with Building and Safety on the effective date  
22 of this title or on the effective date of the change in district boundaries.

23           (h) If an existing lot or tract is lawfully occupied by a two-family dwelling which has a side yard  
24 setback of less than twenty feet and said use becomes nonstandard through a change in district boundaries  
25 from another zoning district to this district, the two-family dwelling may be enlarged, extended or  
26 reconstructed as long as the existing side yard or a ten-foot side yard, whichever is greater, is provided.

27           Section 2. That Section 27.13.080 of the Lincoln Municipal Code be amended to read  
28 as follows:

29 **27.13.080     Height and Area Regulations.**

30           The maximum height and minimum lot requirements within the R-2 Residential District shall be as  
31 follows:

- 32           (a)     General requirements:

Table 27.13.080(a)						
	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
Dwelling, single- family	6,000**	50'**	25'*	5'	Smaller  of 30'	35'
Dwelling, two-family	5,000 per family**	40' per family**	25'*	10', 0' if party wall***	or  20%	35'
Other permitted uses	6,000	50'	25'*	5'	of depth	35'
* See subparagraph (b) and (c)						
** See subparagraph (e)						
*** See subparagraph (i)						

(b) There shall be a required front yard on each street side of a double-frontage lot.

(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than thirty-five feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards.

(d) Accessory buildings which are attached to or not located more than six feet from the main structure shall be considered a part of the main structure and shall comply with the height, front, side, and rear yard requirements of the main building.

(i) Accessory buildings not a part of the main structure may be located in the required rear yard but such accessory buildings may not occupy more than forty percent of the required rear yard and shall not be closer than two feet to any side or rear lot line nor more than fifteen feet in height. Accessory buildings not a part of the main structure, if located not less than sixty feet from the front lot line, may extend into the required side yard though not closer than two feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten feet to the alley line.

(ii) Accessory buildings or structures not a part of the main structure may be located in the required front yard on double-frontage lots where at least one frontage is along a major street, provided:

(1) Accessory buildings or structures shall not occupy any portion of any required front yard along the local street.

1                   (2)     Accessory buildings or structures shall not be closer than two feet to the  
2 side lot line, closer than two feet to the front lot line along the major street frontage, or be closer than two  
3 feet to an area specified as a building line district.

4                   (3)     Accessory buildings or structures, if located not less than sixty feet from  
5 the front lot line, may extend into the required side yard though not closer than two feet to the side lot line.

6                   (4)     Accessory buildings or structures shall not occupy any portion of the  
7 required front yard along any major street except when a landscape screen is located along any and all front  
8 lot lines of such lot adjacent any major street in conformance with the "Design Standards for Screening and  
9 Landscaping" adopted by the City of Lincoln.

10                  (5)     Direct vehicular access shall not be available from any major street along  
11 any major street frontage in the block.

12                  (6)     Accessory buildings and structures shall not occupy more than 100 square  
13 feet and 600 square feet, respectively, of the required front yard along the major street.

14                  (7)     Accessory buildings or structures shall not exceed fifteen feet in height and  
15 any accessory building or structure or portion thereof within twenty feet of the front lot line along the major  
16 street shall not exceed eight feet in height.

17                  (e)     If a vacant lot or tract has less area or width or both less area and width than herein re-  
18 quired and its boundary lines along their entire length abutted lands under other ownership on November  
19 2, 1953, and have not since been changed, such parcel of land may be used for a single-family dwelling.

20                         If such vacant lot or tract comes under common ownership with an abutting lot or tract,  
21 such vacant lot or tract may continue to be used for a single-family dwelling provided said abutting lot or  
22 tract was occupied by a dwelling unit on the date such vacant lot or tract and the abutting lot or tract came  
23 under common ownership.

24                         If such vacant lot or tract comes under common ownership with an abutting vacant lot or  
25 tract which has less area or width or both less area and width than herein required, such lots and tracts shall  
26 be merged together and constitute a single premise.

27                         If an existing lot or tract lawfully occupied by a single-family or two-family dwelling on the  
28 effective date of this title or on the effective date of a change in district boundaries from another zoning  
29 district to this district has less area or width or both less area and width than herein required, such lot or  
30 tract shall not be considered nonstandard due to such condition.

31                  (f)     In those locations in the R-2 Residential District where, on November 2, 1953, and  
32 continuing thereafter, forty percent or more of the frontage on the same side of a street between two street  
33 intersections is lawfully occupied by two or more buildings, consisting of two-family dwellings or two-family  
34 and multiple-family dwellings, two-family dwellings may be erected in conformance with the height, mini-  
35 mum lot requirements, and parking regulations of the R-4 Residential District.

36                  (g)     Multiple dwellings lawfully existing in this district on the effective date of this title or on the  
37 effective date of a change of district boundaries from another zoning district to this district shall be  
38 considered nonstandard uses in conformance with the provisions of Chapter 27.61. Notwithstanding any  
39 provision to the contrary, any enlargement, extension or reconstruction of such multiple dwellings shall be  
40 limited to no more dwelling units than the number of dwelling units licensed with Building and Safety on the  
41 effective date of this title or on the effective date of the change in district boundaries from another zoning  
42 district to this district.



(h) If two or more abutting lots existing on or before November 2, 1953, have an aggregate width of at least seventy-five feet, such lots may be used for a two-family dwelling, notwithstanding the average lot width requirements of subparagraph (a) of this section.

(i) If an existing lot or tract is lawfully occupied by a two-family dwelling which has a side yard setback of less than ten feet and said use becomes nonstandard through a change in district boundaries from another zoning district to this district, the two-family dwelling may be enlarged, extended or reconstructed as long as the existing side yard or a five-foot side yard, whichever is greater, is provided.

Section 3. That Section 27.15.080 of the Lincoln Municipal Code be amended to read as follows:

**27.15.080 Height and Area Regulations.**

The maximum height and minimum lot requirements within the R-3 Residential District shall be as follows:

(a) General requirements:

Table 27.15.080(a)						
	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
Dwelling, single- family	6,000**	50'**	20'*	5'		35'
Dwelling, two-family	5,000 per family**	40' per family**	20'*	5', 0' if party wall	Smaller of 30' or 20% of depth	35'
Other permitted uses	6,000	50'	20'*	5'		35'
* See subparagraphs (b) and (c)						
** See subparagraph (e)						

(b) There shall be a required front yard on each street side of a double-frontage lot.

(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than thirty-five feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards. Where corner lots are separated by a common rear lot line, the minimum required yard shall be ten feet on the side along the street adjacent to both corner lots.

(d) Accessory buildings which are attached to or not located more than six feet from the main structure shall be considered a part of the main structure and shall comply with the height, front, side, and rear yard requirements of the main building.

1 (i) Accessory buildings not a part of the main structure may be located in the required  
2 rear yard but such accessory buildings may not occupy more than forty percent of the required rear yard  
3 and shall not be closer than two feet to any side or rear lot line, nor more than fifteen feet in height.  
4 Accessory buildings not a part of the main structure, if located not less than sixty feet from the front lot line,  
5 may extend into the required side yard though not closer than two feet to the side lot line. A garage which  
6 is entered from an alley shall not be located closer than ten feet to the alley line.

7 (ii) Accessory buildings or structures not a part of the main structure may be located  
8 in the required front yard on double-frontage lots where at least one frontage is along a major street,  
9 provided:

10 (1) Accessory buildings or structures shall not occupy any portion of any  
11 required front yard along the local street.

12 (2) Accessory buildings or structures shall not be closer than two feet to the  
13 side lot line, be closer than two feet to the front lot line along the major street frontage, or be closer than  
14 two feet to an area specified as a building line district.

15 (3) Accessory buildings or structures, if located not less than sixty feet from  
16 the front lot line, may extend into the required side yard though not closer than two feet to the side lot line.

17 (4) Accessory buildings or structures shall not occupy any portion of the  
18 required front yard along any major street except when a landscape screen is located along any and all front  
19 lot lines along any major street in conformance with the "Design Standards for Screening and Landscaping"  
20 adopted by the City of Lincoln.

21 (5) Direct vehicular access shall not be available from any major street along  
22 any major street frontage in the block.

23 (6) Accessory buildings and structures shall not occupy more than 100 square  
24 feet and 600 square feet, respectively, of the required front yard along the major street.

25 (7) Accessory buildings or structures shall not exceed fifteen feet in height and  
26 any accessory building or structure or portion thereof within twenty feet of the front lot line along the major  
27 street shall not exceed eight feet in height.

28 (e) If a vacant lot or tract has less area or width or both less area and width than herein re-  
29 quired and its boundary lines along their entire length abutted lands under other ownership on November  
30 2, 1953, and have not since been changed, such parcel of land may be used for a single-family dwelling.

31 If such vacant lot or tract comes under common ownership with an abutting lot or tract,  
32 such vacant lot or tract may continue to be used for a single-family dwelling provided the abutting or tract  
33 was occupied by a dwelling unit on the date the vacant lot or tract and the abutting lot or tract came under  
34 common ownership.

35 If such vacant lot or tract comes under common ownership with an abutting vacant lot or  
36 tract which has less area or width or both less area and width than herein required, such lots and tracts shall  
37 be merged together and constitute a single premise.

38 If an existing lot or tract lawfully occupied by a single-family or two-family dwelling on the  
39 effective date of this title or on the effective date of a change in district boundaries from another zoning  
40 district to this district has less area or width or both less area and width than herein required, such lot or  
41 tract shall not be considered nonstandard due to this condition.

(f) Multiple dwellings lawfully existing in this district on the effective date of this title or on the effective date of a change of district boundaries from another zoning district to this district shall be considered nonstandard uses in conformance with the provisions of Chapter 27.61. Notwithstanding any provision to the contrary, any enlargement, extension or reconstruction of such multiple dwellings shall be limited to no more than the number of dwelling units licensed with Building and Safety on the effective date of this title or on the effective date of the change in district boundaries.

Section 4. That Section 27.17.080 of the Lincoln Municipal Code be amended to read as follows:

**27.17.080 Height and Area Regulations.**

The maximum height and minimum lot requirements within the R-4 Residential District shall be as follows:

(a) General requirements:

Table 27.17.080(a)						
	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
Dwelling, single- family	5,000**	50'**	25'*	5'	Smaller  of 30'	35'
Dwelling, two-family	2,500 per family**	25' per family**	25'*	5', 0' if party wall	or  20%	35'
Other permitted uses	5,000	50'	25'*	5'	of depth	35'
* See subparagraphs (b) and (c)						
** See subparagraph (e)						

(b) There shall be a required front yard on each street side of a double frontage lot.

(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards.

(d) Accessory buildings which are attached to or not located more than six feet from the main structure shall be considered a part of the main structure and shall comply with the height, front, side, and rear yard requirements of the main building. Accessory buildings not a part of the main structure may be located in the required rear yard but such accessory buildings may not occupy more than forty percent of

1 the required rear yard and shall not be nearer than two feet to any side or rear lot line, nor more than fifteen  
2 feet in height. Accessory buildings not a part of the main structure, if located not less than sixty feet from  
3 the front lot line, may extend into the required side yard though not nearer than two feet to the side lot line.  
4 A garage which is entered from an alley shall not be located closer than ten feet to the alley line.

5 (e) Where a vacant lot or tract of record as of November 2, 1953, has less area or width, or  
6 both less area and width, than herein required, and its boundary lines along their entire length abutted lands  
7 of other ownership on November 2, 1953, and have not since been changed, such lot may be used for a  
8 single-family dwelling. Where a vacant lot of record as of November 2, 1953, has less width than herein  
9 required, and its boundary lines along their entire length abutted lands of other ownership on November  
10 2, 1953, and have not since been changed, such lot parcel of land may be used for a two-family dwelling.

11 If such vacant lot or tract comes under common ownership with an abutting lot or tract,  
12 such vacant lot or tract may continue to be used for a single-family dwelling provided the abutting lot or  
13 tract was occupied by a dwelling unit on the date the contiguous properties came under common  
14 ownership.

15 If such vacant lot or tract comes under common ownership with an abutting vacant lot or  
16 tract which has less area or width or both less area and width than herein required, such lots and tracts shall  
17 be merged together and constitute a single premise.

18 If an existing lot or tract lawfully occupied by a single-family or two-family dwelling on the  
19 effective date of this title or on the effective date of a change in district boundaries from another zoning  
20 district to this district has less area or width or both less area and width than herein required, such lot or  
21 tract shall not be considered nonstandard due to this condition.

22 (f) In those locations in the R-4 Residential District where, on November 2, 1953, and  
23 continuing thereafter, forty percent or more of the frontage on the same side of a street between two street  
24 intersections is lawfully occupied by two or more buildings, consisting of multiple dwellings, three- and four-  
25 family dwellings may be erected in conformance with the height, minimum lot requirements, and parking  
26 regulations of the R-5 Residential District.

27 (g) Multiple dwellings lawfully existing in this district on the effective date of this title or on the  
28 effective date of a change of district boundaries from another zoning district to this district shall be  
29 considered nonstandard uses in conformance with the provisions of Chapter 27.61. Notwithstanding any  
30 provision to the contrary, any enlargement, extension or reconstruction of such multiple dwellings shall be  
31 limited to no more than the number of dwelling units licensed with Building and Safety on the effective date  
32 of this title or on the effective date of the change in district boundaries.

33 Section 5. That Section 27.19.080 of the Lincoln Municipal Code be amended to read  
34 as follows:

35 **27.19.080 Height and Area Regulations.**

36 The maximum height and minimum lot requirements within the R-5 Residential District shall be as  
37 follows:

38 (a) General requirements:

Table 27.19.080(a)

		<b>Lot Area (Sq. ft.)</b>	<b>Avg. Lot Width</b>	<b>Req'd Front Yard</b>	<b>Req'd Side Yard</b>	<b>Req'd Rear Yard</b>	<b>Height</b>
	Dwelling, single- family	5,000	50'	20'	5'	*	35'
	Dwelling, two-family	2,500 per family	25' per family	20'	5' or 0' on party wall	*	35'
	Townhouses	2,500 per family	20' per family	20'	10' or 0' on party wall	*	35'
	Dwelling, Multiple	1,500 per unit	50'	20'	7' or 10' if over 20' in height	*	35'
	Other permitted uses	5,000	50'	20'	5'	*	35'
* Smaller of 30' or 20% of depth.							

(b) There shall be a required front yard on each street side of a double-frontage lot.

(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards. Where corner lots are separated by a common rear lot line, the minimum required yard shall be ten feet on the side along the street adjacent to both corner lots.

(d) Open space requirements for residential use: A minimum amount of usable and accessible open space must be provided for each residential use. This requirement shall be as follows:

125 square feet for the first dwelling unit;

80 square feet per unit for each additional dwelling unit beyond one.

This open space requirement may be met in the following manner:

(1) The required rear yard may be counted; however, the required front and side yards may not be counted toward the fulfillment of said open space requirement; except for ground level or first floor level porches, patios, and terraces as permitted in Sections 27.71.100 and 27.71.110;

(2) Parking spaces, and land occupied by any building or structure may not be counted toward fulfillment of this open space requirement;

1 (3) The depth-to-width ratio of any area used to fulfill the open space requirement may  
2 not exceed three to one, if the smallest dimension of the open space is twelve feet or less.

3 (e) Accessory buildings which are attached to or not located more than six feet from the main  
4 structure shall be considered a part of the main structure and shall comply with the height, front, side, and  
5 rear yard requirements of the main building. Accessory buildings not a part of the main structure may be  
6 located in the required rear yard, but such accessory buildings may not occupy more than forty percent of  
7 the required rear yard and shall not be nearer than two feet to any side or rear lot line, nor more than fifteen  
8 feet in height. Accessory buildings not a part of the main structure, if located not less than sixty feet from  
9 the front lot line, may extend into the required side yard though not nearer than two feet to the side lot line.  
10 A garage which is entered from an alley shall not be located closer than ten feet to the alley line.

11 (f) Where a vacant lot or tract of record as of November 2, 1953, has less area or width or  
12 both less area and width than herein required and its boundary lines along their entire length abutted lands  
13 under other ownership on November 2, 1953, and have not since been changed, the lot may be used for  
14 a single-family dwelling, two-family dwelling, or for any nondwelling use permitted in this chapter.

15 If such vacant lot or tract comes under common ownership with an abutting lot or tract,  
16 such vacant lot or tract may continue to be used for a single-family dwelling provided the said abutting lot  
17 or tract was occupied by a dwelling unit on the date the contiguous properties came under common  
18 ownership.

19 If such vacant lot or tract comes under common ownership with an abutting vacant lot or  
20 tract which has less area or width or both less area and width than herein required, such lots and tracts shall  
21 be merged together and constitute a single premise.

22 If an existing lot or tract lawfully occupied by a single-family or two-family dwelling on the  
23 effective date of this title or on the effective date of a change in district boundaries from another zoning  
24 district to this district has less area or width or both less area and width than herein required, such lot or  
25 tract shall not be considered nonstandard due to this condition.

26 Section 6. That the statement of intent of Chapter 27.21 of the Lincoln Municipal Code,  
27 R-6 Residential District, be amended to read as follows:

28 This district is intended to provide a generally redeveloping area of moderately high residential  
29 density between eleven and fourteen dwelling units per acre. This district provides for single-family, two-  
30 family, multiple and townhouse residential uses, ~~lodging and boarding houses~~, private clubs, fraternities and  
31 sororities, and support facilities, such as schools, parks, community buildings, and churches.

32 Section 7. That Section 27.21.080 of the Lincoln Municipal Code be amended to read  
33 as follows:

34 **27.21.080 Height and Area Regulations.**

35 The maximum height and minimum lot requirements within the R-6 Residential District shall be as  
36 follows:

37 (a) General requirements:

Table 27.21.080(a)

		<b>Lot Area (Sq. ft.)</b>	<b>Avg. Lot Width</b>	<b>Req'd Front Yard</b>	<b>Req'd Side Yard</b>	<b>Req'd Rear Yard</b>	<b>Height</b>
	Dwelling, single- family	4,000	50'	20'	5'	*	35'
	Dwelling, two-family	2,500 per family	25' per family	20'	5' or 0' on party wall	*	35'
	Townhouses	2,500 per family	20' per family	20'	5' or 0' on party wall	*	35'
	Dwelling, Multiple	1,100 per unit	50'	20'	7' or 10' if over 20' in height	*	35'
	Other permitted uses	4,000	50'	20'	5'	*	35'
	* Smaller of 30' or 20% of depth.						
	** Over 35' in height, add one foot to the required side and rear yards for each additional two feet of height.						

(b) There shall be a required front yard on each street side of a double-frontage lot.

(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards. Where corner lots are separated by a common rear lot line, the minimum required yard shall be ten feet on the side along the street adjacent to both corner lots.

(d) Balconies may be provided in the required side yard but not closer than seven feet from the side lot line.

(e) Open space requirements for residential use: A minimum amount of usable and accessible open space must be provided for each residential use. This requirement shall be as follows:

125 square feet for the first dwelling unit;

80 square feet per unit for each additional dwelling unit beyond one.

1 This open space requirement may be met in the following manner:

2 (1) The required rear yard may be counted; however, the required front and side yards  
3 may not be counted toward fulfillment of said open space requirement except as follows:

4 (i) Ground level or first floor porches, patios, and terraces as permitted in this  
5 chapter and in Sections 27.71.100 and 27.71.110;

6 (ii) The required front yard and side yard may be counted where the distance  
7 between the main building and said lot line exceeds the required yard by more than seven feet.

8 (2) Parking spaces, and land occupied by any building or structure may not be counted  
9 toward fulfillment of this open space requirement.

10 (3) The depth-to-width ratio of any area used to fulfill the open space requirement may  
11 not exceed three to one, if the smallest dimension of the open space is twelve feet or less.

12 (f) Accessory buildings which are attached to or not located more than six feet from the main  
13 structure shall be considered a part of the main structure and shall comply with the height, front, side, and  
14 rear yard requirements of the main building. Accessory buildings not a part of the main structure may be  
15 located in the required rear yard but such accessory buildings may not occupy more than forty percent of  
16 the required rear yard and shall not be nearer than two feet to any side or rear lot line, nor more than fifteen  
17 feet in height. Accessory buildings not a part of the main structure, if located not less than sixty feet from  
18 the front lot line, may extend into the required side yard though not nearer than two feet to the side lot line.  
19 A garage which is entered from an alley shall not be located closer than ten feet to the alley line.

20 (g) Where a vacant lot or tract of record as of November 2, 1953, has less area or width or  
21 both less area and width than herein required and its boundary lines along their entire length abutted lands  
22 under other ownership on November 2, 1953, and have not since been changed, the lot may be used for  
23 a single-family dwelling, two-family dwelling, or for any nondwelling use permitted in this chapter.

24 If such vacant lot or tract comes under common ownership with an abutting lot or tract,  
25 such vacant lot or tract may continue to be used for a single-family dwelling provided the said abutting lot  
26 or tract was occupied by a dwelling unit on the date the contiguous properties came under common  
27 ownership.

28 If such vacant lot or tract comes under common ownership with an abutting vacant lot or  
29 tract which has less area or width or both less area and width than herein required, such lots and tracts shall  
30 be merged together and constitute a single premise.

31 If an existing lot or tract lawfully occupied by a single-family or two-family dwelling on the  
32 effective date of this title or on the effective date of a change in district boundaries from another zoning  
33 district to this district has less area or width or both less area and width than herein required, such lot or  
34 tract shall not be considered nonstandard due to this condition.

35 Section 8. That the statement of intent of Chapter 27.23 of the Lincoln Municipal Code,  
36 R-7 Residential District, be amended to read as follows:

37 This district is intended to provide a redeveloping area of comparatively high density residential use  
38 in the range of fifteen dwelling units, gross, per acre. This district provides for single-family, two-family,  
39 multiple, and townhouse residential uses, ~~lodging and boarding houses~~, apartment hotels, private clubs,  
40 fraternities and sororities, and such facilities as schools, parks, community buildings, and churches.

41 Section 9. That Section 27.23.080 of the Lincoln Municipal Code be amended to read  
42 as follows:



**27.23.080 Height and Area Regulations.**

The maximum height and minimum lot requirements within the R-7 Residential District shall be as follows:

## (a) General requirements:

<b>Table 27.23.080(a)</b>						
	<b>Lot Area (Sq. ft.)</b>	<b>Avg. Lot Width</b>	<b>Req'd Front Yard</b>	<b>Req'd Side Yard</b>	<b>Req'd Rear Yard</b>	<b>Height</b>
Dwelling, single- family	4,000	50'	20'	5'	*	35'
Dwelling, two-family	2,000 per family	25' per family	20'	5' or 0' on party wall	*	35'
Townhouses	2,000 per family	20' per family	20'	5' or 0' on party wall	*	35'
Dwelling, Multiple	700 per unit	50'	20'	Total 15', (min. 7' per side)	*	45'***
Other permitted uses	4,000	50'	20'	5'	*	35'
* Smaller of 30' or 20% of depth.						
** Over 35' in height, add one foot to the required side and rear yards for each additional two feet of height.						

(b) There shall be a required front yard on each street side of a double frontage lot.

(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards. Where corner lots are separated by a common rear lot line, the minimum required yard shall be ten feet on the side along the street adjacent to both corner lots.

(d) Balconies may be provided in the required side yard but not closer than seven feet from the side lot line.

(e) Open space requirements for residential use: A minimum amount of usable and accessible open space must be provided for each residential use. This requirement shall be as follows:

125 square feet for the first dwelling unit;

80 square feet per unit for each additional dwelling unit beyond one.

This open space requirement may be met in the following manner:

(1) The required rear yard may be counted; however, the required front and side yards may not be counted toward fulfillment of said open space requirement except as follows:

(i) Ground level or first floor porches, patios, and terraces as permitted in this chapter and in Sections 27.71.100 and 27.71.110;

(ii) The required front yard and side yard may be counted where the distance between the main building and said lot line exceeds the required side yard.

(2) Parking spaces and land occupied by any building or structure may not be counted toward fulfillment of this open space requirement.

(3) The depth-to-width ratio of any area used to fulfill the open space requirement may not exceed three to one, if the smallest dimension of the open space is twelve feet or less.

(f) Accessory buildings which are attached to or not located more than six feet from the main structure shall be considered a part of the main structure and shall comply with the height, front, side, and rear yard requirements of the main building. Accessory buildings not a part of the main structure may be located in the required rear yard but such accessory buildings may not occupy more than thirty percent of the required rear yard and shall not be nearer than two feet to any side or rear lot line, nor more than fifteen feet in height. Accessory buildings not a part of the main structure, if located not less than sixty feet from the front lot line, may extend into the required side yard though not nearer than two feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten feet to the alley line.

(g) Where a vacant lot or tract of record as of November 2, 1953, has less area or width or both less area and width than herein required and its boundary lines along their entire length abutted lands under other ownership on November 2, 1953, and have not since been changed, the lot may be used for a single-family dwelling, two-family dwelling, or for any nondwelling use permitted in this chapter.

If such vacant lot or tract comes under common ownership with an abutting lot or tract, such vacant lot or tract may continue to be used for a single-family dwelling provided the said abutting lot or tract was occupied by a dwelling unit on the date the contiguous properties came under common ownership.

If such vacant lot or tract comes under common ownership with an abutting vacant lot or tract which has less area or width or both less area and width than herein required, such lots and tracts shall be merged together and constitute a single premise.

If an existing lot or tract lawfully occupied by a single-family or two-family dwelling on the effective date of this title or on the effective date of a change in district boundaries from another zoning district to this district has less area or width or both less area and width than herein required, such lot or tract shall not be considered nonstandard due to this condition.

Section 10. That the statement of intent of Chapter 27.24 of the Lincoln Municipal Code, R-8 Residential District, be amended to read as follows:

This district is intended to permit high density residential uses; ~~lodging and boarding houses;~~ apartment hotels; private clubs; civic, cultural, educational, labor, professional, trade and fraternal

membership organizations; and such facilities as schools, parks, community buildings, and churches exclusively in that area designated as the E-1 multiple dwelling district which existed immediately prior to the effective date of this title.

Section 11. That Section 27.24.080 of the Lincoln Municipal Code be amended to read as follows:

**27.24.080 Height and Area Regulations.**

The maximum height and minimum lot requirements within the R-8 Residential District shall be as follows:

(a) General requirements:

Table 27.24.080(a)						
	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
Dwelling, single- family	4,000	50'	10'	10'	20'	35'
Dwelling, two-family	2,000 per family	25' per family	10'	10' or 0' on party wall	20'	35'
Townhouses	2,000 per family	20' per family	10'	10' or 0' on party wall	20'	35'
Dwelling, Multiple or apartment hotel	550 per unit	50'	10'	10'*	20'	75'
Other permitted uses	4,000	50'	10'	10'	20'	35'
* For a building exceeding 45' in height, the sum total of the two required side yards shall not be less than 30', and neither side yard shall be less than 10'.						

(b) There shall be a required front yard on each street side of a double frontage lot.

(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-

1 eight feet except where necessary to provide a required side yard of not less than five feet in place of one  
2 of the required front yards.

3 (d) Balconies may be provided in the required side yard but not closer than seven feet to the  
4 side lot line.

5 (e) Open space requirements for residential use: A minimum amount of usable and accessible  
6 open space must be provided for each residential use. This requirement shall be as follows:

7 80 square feet per unit for each additional dwelling unit beyond one.

8 This open space requirement may be met in the following manner:

9 (1) The required rear yard may be counted; however, the required front and side yards  
10 may not be counted toward the fulfillment of said open space requirement, except as follows:

11 (i) Ground level or first floor porches, patios, and terraces as permitted in this  
12 chapter and in Sections 27.71.100 and 27.71.110;

13 (ii) The required front yard and side yard may be counted where the distance  
14 between the main building and said lot line exceeds the required side yard by more than seven feet.

15 (2) Parking spaces and land occupied by any building or structure may not be counted  
16 toward fulfillment of this open space requirement;

17 (3) The depth-to-width ratio of any area used to fulfill the open space requirement may  
18 not exceed three to one, if the smallest dimension of the open space is twelve feet or less.

19 (f) Accessory buildings which are attached to or located not more than six feet from the main  
20 structure shall be considered a part of the main structure and shall comply with the height and front, side,  
21 and rear yard requirements of the main structure. Accessory buildings not a part of the main structure may  
22 be located in any required rear yard, but such accessory buildings may not occupy more than thirty percent  
23 of the required rear yard, and shall not be nearer than two feet to any side or rear lot line, nor more than  
24 fifteen feet in height. Accessory buildings not a part of the main structure, if located not less than sixty feet  
25 from the front lot line, may extend into the required side yard though not nearer than two feet to the side  
26 lot line. A garage which is entered from an alley shall not be located closer than ten feet to the alley line.

27 (g) Where a vacant lot or tract of record as of November 2, 1953; has less area or width or  
28 both less area and width than herein required and its boundary lines along their entire length abutted lands  
29 under other ownership on November 2, 1953, and have not since been changed, the lot may be used for  
30 a single-family dwelling, two-family dwelling, or for any nondwelling use permitted in this chapter.

31 If such vacant lot or tract comes under common ownership with an abutting lot or tract,  
32 such vacant lot or tract may continue to be used for a single-family dwelling provided the said abutting lot  
33 or tract was occupied by a dwelling unit on the date the contiguous properties came under common  
34 ownership.

35 If such vacant lot or tract comes under common ownership with an abutting vacant lot or  
36 tract which has less area or width or both less area and width than herein required, such lots and tracts shall  
37 be merged together and constitute a single premise.

38 If an existing lot or tract lawfully occupied by a single-family or two-family dwelling on the  
39 effective date of this title or on the effective date of a change in district boundaries from another zoning  
40 district to this district has less area or width or both less area and width than herein required, such lot or  
41 tract shall not be considered nonstandard due to this condition.

1                   Section 12. That Section 27.61.090 of the Lincoln Municipal Code be amended to read  
2 as follows:

3 **27.61.090       Continuation of Nonstandard Uses.**

4                   Nonstandard uses existing immediately prior to the effective date of this title and uses becoming  
5 nonstandard through a change in the zoning ordinance or district boundaries may be continued, although  
6 such uses do not conform to the provisions hereof.

7                   Structures and buildings located upon a premises the use of which constitutes a nonstandard use  
8 may be enlarged, extended, or reconstructed, as follows:

9                   (a)       Enlargements, extensions, or reconstructions may be made as required by law or ordinance  
10 or ordered by the Director of Building and Safety to secure the safety of the structure;

11                   (b)       Enlargements, extensions or reconstruction of buildings or structures may be made if  
12 authorized under the provisions of Section 27.63.280 or 27.63.540;

13                   (c)       Enlargement, extension, or reconstruction of buildings or structures may otherwise be made  
14 if such changes comply with the minimum requirements as to front yard, side yard, rear yard, height, and  
15 unobstructed open space for the district in which they are located.

16                   (d)       The number of dwellings units in multiple dwellings shall be limited to no more than the  
17 number of dwelling units licensed with Building and Safety on the effective date of this title or on the  
18 effective date of the change in district boundaries from another zoning district to the new zoning district.

19                   Section 13. That Sections 27.11.080, 27.13.080, 27.15.080, 27.17.080, 27.19.080,  
20 27.21.080, 27.23.080, 27.24.080 and 27.61.090 of the Lincoln Municipal Code as hitherto existing be  
21 and the same are hereby repealed.

22                   Section 14. That this ordinance shall take effect and be in force from and after its passage  
23 and publication according to law.